

93490-1

CAUSE NO. 08CV1866

J. ARON & COMPANY, ON ITS BEHALF
AND AS ADMINISTRATIVE AGENT FOR
THE CO-LENDERS

VS.

OSYKA PERMIAN, LLC OSYKA
CORPORATION AND MICHAEL HARNESS

§ IN THE UNITED STATES DISTRICT COURT
§
§
§ OF
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§
§
§

COUNTY, NY

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, on this day appeared, **MARTIN KOSZEGI**, personally before me and stated under oath as follows:

My name is **MARTIN KOSZEGI**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am an authorized private process server licensed by and through the Supreme Court of Texas, am in all ways competent to make this affidavit, and this affidavit is based on personal knowledge. The facts stated herein are true and correct.

ON Friday, February 29, 2008 AT 4:05 PM - SUMMONS IN A CIVIL CASE, COMPLAINT CAME TO HAND.

ON Wednesday, March 05, 2008 AT 08:50 PM - THE ABOVE NAMED DOCUMENTS WERE DELIVERED TO: MICHAEL F HARNESS, 13526 SCHUMANN TRAIL, SUGAR LAND, TX, 77478 BY PERSONAL SERVICE.

FURTHER AFFIANT SAYETH NOT.

Martin Koszegi
MARTIN KOSZEGI,
Affiant

Before me personally appeared the above-named affiant, who, being first duly sworn, stated upon oath that the above-stated facts are true and correct and within his or her personal knowledge, and subscribed the same on this 5th day of March, 2008.

Juanita Koszegi
Notary Public for the State of Texas

DocID: 93490-1



#2

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

J. ARON & COMPANY, on its own Behalf and
as Administrative Agent for the Co-Lenders.

SUMMONS IN A CIVIL ACTION

V.

OSYKA PERMIAN, LLC, OSYKA
CORPORATION, and MICHAEL HARNESS.

CASE NUMBER:

08 CV 1866

JUDGE BAER

TO: (Name and address of Defendant)

Michael F. Harness
13526 Schumann Trail
Sugar Land, TX 77478-3495

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Howard Godnick
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2000

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Manos Quintero

(By) DEPUTY CLERK

DATE

FEB 26 2008

FD-440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	3/7/08
NAME OF SERVER (PRINT) Martin J. Koszegi	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3/5/08</u> Date</p> <p style="margin-left: 200px;"><u>Martin J. Koszegi</u> Signature of Server</p> <p style="margin-left: 200px;">sch: 2529</p> <p style="margin-left: 200px;"><u>3203 W. Rangecrest Pl., Sugar Land, TX</u> Address of Server</p> <p style="text-align: right; margin-right: 50px;">77479</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure